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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,866	11/13/2000	Gerald Sellmair	GR 99 P 5223	8585

7590 01/14/2004

Lerner and Greenberg PA  
Post Office Box 2480  
Hollywood, FL 33022-2480

EXAMINER
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LAMARRE, GUY J

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 01/14/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/711,866

Applicant(s)

SELLMAIR, GERALD

Examiner

Guy J. Lamarre, P.E.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### **Response to Amendment**

**1.** This office action is in response to Applicants' **Amendment** of 6 Jan. 2004.

**1.1** Claim 10 is amended. Claims 1-27 remain pending.

**1.2** The objections and rejections of record are withdrawn in response to Applicants' amendment of 6 Jan. 2004.

### **Response to Arguments**

**1.3** Applicants' arguments of 6 Jan. 2004 are moot in view of new ground of rejection because Applicant's arguments with respect to the rejection(s) of claim(s) 1-27 under 35 USC 102 (e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of NOSE (US Patent No. 6,202,180; Filed: June 15, 1998).

### **Title**

**2.** The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention which the claims are directed to. The current title is imprecise, specifically because "memory device" does not imply in any way what the claimed invention is about, namely about the use of comparator units in memory addressing.

### **Claim Rejections - 35 USC § 112 SECOND PARAGRAPH**

**3.** The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**3.0** **Claims** 1-27 stand rejected under 35 USC § 112 SECOND PARAGRAPH for failing to particularly point out and distinctly define the subject matter which the applicant regards as his invention.

**3.1** **As per Claims** 1-27, it is unclear to the Examiner how the memory device is operatively connected, e.g., **how** the memory cells, the comparison units and address applied to the memory

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device are linked to perform intended functionality. Specifically, there's no connection between the memory cells and the comparison units, or between address applied to the memory device and the comparison units, or between address applied to the memory device and the memory cells. Examiner assumes for purposes of examination that address is applied to the comparator units.

It is also unclear to the Examiner how the comparison units are placed in testing state.

### Claim Rejections - 35 USC ' 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

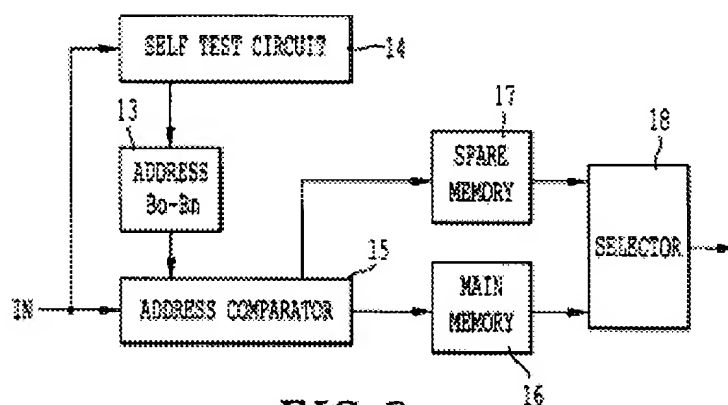
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4.1 **Claims 1-27** are rejected under 35 U.S.C. 102 (e) as being anticipated by NOSE (US Patent No. 6,202,180; Filed: June 15, 1998).

As per **Claims 1-27**, Nose discloses, in Fig. 1-32, an equivalent memory device or means with means for providing plural memory cells and comparator means (and related activation and deactivation thereof) to check and match address inputs with reference addresses to effect memory testing including testing and operation mode setting means (Figs. 19-20), means to parallel address (Fig. 21) comparing means, means to permanently replace/repair (Fig. 30) defective cells with spare cells or otherwise via appropriate spare memory cell address substitution means (and related permanent de/activation thereof via fusing, etc.), e.g., Fig. 8 and related description, e.g., "*As shown in FIG. 8, an address signal is supplied via the address comparator 15 from the address input terminal IN to the main memory 16 of a memory cell array which constitutes a memory section. To the memory circuit 13, the address (specified address) regarded as the faulty address based on the result of*

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testing is inputted from the self test circuit 14. The circuit of FIG. 8 is constituted as follow. In the case that the address signal is coincident with the address stored in the memory circuit 13, the spare memory is activated, stores a data corresponding to the address stored in the memory circuit 13 and outputs without conversion of the address stored in the memory circuit 13 and outputs without conversion of the address. In the circuit of FIG. 8, the selector 18 controlled by the output of the address comparator 15 selects one of the outputs of the main memory 16 and the spare memory 17. FIG. 9 shows a circuit in which spare use (enable)/spare non-use (disable) signal is added and the selector 18 of FIG. 8 is omitted."

**FIG. 8**

Nose also discloses "FIG. 10 [which] is a circuit block diagram of a memory circuit including an address exchanging circuit which relieves errors of the memory. The self test circuit 14 operates at the time of power-on and the like. The address, the writing data and the expected value are supplied to the self test circuit 14, and operations of all memory addresses are checked. The address which is found to be faulty as a result of testing is stored in the memory circuit 13. In the case being disable to repair data by spare memory 17, decided to be fault, a spare-over flag is stored in the memory circuit 13, with the address which is found to be faulty. Simultaneously, a flag showing it is capable of exchanging data between spare memory and main memory, per an address

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is stored in the memory circuit 19. When the address exchanging circuit of FIG. 10 is actually used, the address data B0 to Bn of the memory circuit 13 is compared with the address data inputted from the address input IN. When both are coincide with each other, and the spare-over flag is activated, the address data C0 to Cn of the memory circuit 19 is used as the address."

**4.2** To anticipate under section 102, a prior art reference must disclose all the elements of the claimed invention or their equivalents functioning in essentially the same way. The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in *Kalman v. Kimberly-Clark Corp.* 713 F.2d 760, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984) it is only necessary for the claims to "'read on' something disclosed in the reference, i.e., all limitations in the claim are found in the reference, or 'fully met' by it." The Examiner respectfully submits that all the limitations of Claims 1-27, or their equivalents functioning in essentially the same way, are found in the **Nose** reference.

### **Conclusion**

**5.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**5.1** Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

**or faxed to:**

(703) 872-9306 for formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Fourth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (703) 305-0755. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached on (703) 305-9595.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Guy J. Lamarre, P.E.  
Patent Examiner  
1/11/04

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